<u>REMARKS</u>

Claims 18 – 25 were rejected under 35 U.S.C. 112, first paragraph, as containing subject matter that was not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention. Claim 18 has been amended to overcome the rejection. Specifically, claim 18 now recites a "comparison routine running on a general purpose computer," in lieu of a "comparison circuit." Likewise, the claim has been amended to specify that the "selector" and the "article creator" are routines running on a general purpose computer.

Claims 1-17 and 19-21 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants respectfully respond that this rejection was fully overcome in the Amendment and Remarks filed on August 5, 2002. Examiner has not provided any acknowledgement of the amendments to the claims that overcome the rejections, or to the remarks that explain why Applicants believe that the rejections were improper. Applicants respectfully request re-consideration and withdrawal of the rejection of claims 1-17 and 19-21 in light of the amendments and remarks that were filed on August 5, 2002. The relevant remarks from that response are duplicated below for Examiner's convenience.

> Claims 1-17 and 19-21 were rejected under 35 U.S.C. 112, second paragraph as being indefinite for failing to point out with particularity and distinctly claim the subject matter regarded as the invention. Applicants respectfully traverse the rejection on the following grounds.
>
> Claims 4, 12, and 20 were rejected with Examiner asserting that the term "the most conditions" lacks antecedent basis. Claim 4, which depends from claim 1, recites "means for selecting the candidate [template] having the most conditions." The term "the most conditions" finds its antecedent basis in claim 1, which states "a plurality of article templates, each template having associated with it at least one condition." Because each template has associated with it some indeterminate number of at least one condition, but possibly more than one condition, it is an inherent limitation in claim 1 that one (or more) candidate(s) will have the most conditions. This is an inherent characteristic of any grouping of things in which the things have a varying number of conditions. It is well established that "inherent components of elements recited have antecedent

basis in the recitation of the components themselves." *Bose Corp. v. JBL, Inc.*, 274 F.3d 1354, 1359 (Fed. Cir. 2001). See also MPEP § 2173.05(e).

Likewise, claim 12 depends from claim 9, which recites "a plurality of conditions associated with a plurality of templates." This provides an inherent antecedent basis that at least one template will have "the most conditions" associated with it. Likewise, claim 20 depends from claim 18, which recites "each article having one or more conditions associated with it." As such, the term "the most conditions" has an antecedent basis in the respective base claims from which claims 4, 12, and 20 depend.

Examiner rejected claims 9 and 15 on the basis that term "the descriptive report" lacks antecedent basis. Applicants respectfully respond that the term finds antecedent basis in the preamble of claim 9, which states "A method of automatically generating a descriptive report." Claim 15, which depends from claim 9, also finds its antecedent basis for the term "the descriptive report" in the preamble of claim 9.

Examiner rejected claim 1 as being uncertain. Examiner objected to the term "at least one condition, asking "what condition was provided by who?". Applicant respectfully traverses this rejection. As an initial matter, Applicants respectfully submit that the term "condition" is a well-understood term being used in its common and ordinary meaning. Furthermore, the term is fully supported in the specification. As an example, Examiner's attention is directed to Page 13, lines 8 through 16 and Page 15, line 5 through Page 17, line 2 (although the recited section fully supports the term "condition," Applicants make no representation that the recited sections of the specification are the only or the most relevant support for the term). In one preferred embodiment, "an exemplary game condition might be that the winning team outscored the losing team by a landslide, such as a ten point difference in a baseball game" (Page 16, lines 2 – 4). Many other exemplary conditions are provided in the above-cited portions of the specification (final score, points per game, tie game, etc.). Applicants respectfully submit that claim 1 is not uncertain simply because it is of broad enough scope to cover any "condition" that meets the common and ordinary meaning of the term and is supported by the specification. Likewise, it is not a necessary constraint on the claim itself as to who provided the "condition." The claim is met so long as (in addition to the other claim elements), its system includes templates, "each template having associated with it at least one condition." Because nothing in the claim requires or refers to the source of the condition, Applicants respectfully submit that no identification of the source of the conditions is required.

Examiner also objected to the term "a proficiency rating of the scorekeeper," asking "what determines the scorekeeper making a proficiency rating?". Once again, Applicants respectfully traverse this rejection as inquiring into matters that are outside the relevant inquiry of the claim. The terms "proficiency," "rating," and "scorekeeper" are being used in the ordinary and common meaning. Support for the phrase is provided at, e.g., Page 28, line 16 through Page 30, line 12 (although the recited section fully supports the term "proficiency rating of the scorekeeper," Applicants make no representation that the recited sections of the specification are the only or the most relevant support for the term). In a preferred embodiment, for instance, a scorekeeper's proficiency is determined by the scorekeeper's experience (Page 28, lines 21 – 23). In another embodiment, the scorekeeper's proficiency would be determined based upon the number and quality of game events that are recorded for the games by the scorekeeper (Page 28, line 23 through Page 29, line 2). Many other variations and embodiments are within the scope of claim 1 as well.

Claim 2 has been amended to delete the term "may" and to read as follows: The automated system of claim 1 further comprising: an interface which allows an end-user to select a specific event for article generation and by which the finished article is displayed to the end-user. Applicants believe the amendment is fully responsive to Examiner's 112, second paragraph rejection of claim 2. Applicants note that the amendment to claim 2 is not, and should not be construed as, a limiting amendment. The phraseology "an interface which allows an end-user" is at least as broad in scope as the phraseology "an interface by which an end-user." The amendment merely shifts the perspective of the claim element to the interface, rather than from the end-user but does not limit that breadth of the element itself.

Examiner objected to the repeated use of the phrase "the at least one condition" in claim 7, asking "What are these conditions? Do they refer to the same condition or not? What is the link among these conditions and the 'at least one condition' in claim 1?". Applicants respectfully respond that the term "at least one condition" in claim 1 provides the antecedent basis to the phrase "the at least one condition" as it is used in claim 7. As discussed above, with reference to claim 1, the phrase is used in its ordinary and common meaning and is fully supported in the specification. The phrase is used consistently throughout claim 7, meaning that each time the phrase is used in claim 7, it refers to the same "at least one condition" recited in claim 1. Because the term is used consistently throughout claim 7, and each usage of the term has antecedent basis in claim 1, Applicants respectfully submit that there is no uncertainty regarding the term. Applicants respectfully request withdrawal of the rejection in light of the above comments.

Claim 19 has been amended to remove the phrase "such as" and to put the claim in a more commonly accepted *Markush* grouping type format. Applicants respectfully note that the claim as amended contains no additional or narrowing limitations.

Claims 20 and 21 were rejected on the basis the terms "the most conditions" and "the most heavily weighted conditions," respectively, with Examiner asking "Do they refer to the same conditions or different conditions?". Applicants have amended claims 20 and 21 in a manner that is believed to be fully responsive to Examiner's rejection. The objected to terms have been deleted from the claims. Applicants note that the amendment to claims 20 and 21 are not, and should not be construed as, narrowing or limiting the claim scope. In fact, claim 20 is no longer restricted to selection based upon "the most" conditions, but rather more broadly claims selection in response to "the number of" conditions, without restricting the claim to the most conditions, least conditions, etc. Likewise, claim 21 is no longer restricted to "the most heavily weighted" conditions, but more broadly claims "in response to the weighting evaluation" without restricting the claim to the most heavily weighted, least heavily weighted, etc.

With regard to claims 2-7 and 10-17, which were rejected on the basis of their dependence from a rejected base claim, Applicants respectfully submit that the base claims are allowable on the basis of the above remarks and that the dependent claims are allowable as well.

Applicants respectfully request re-consideration and withdrawal of the rejection of claims 1-17 and 19-21 in light of the previously entered amendment to the claims and the above, previously submitted remarks.

Claims 1-24 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting. As was noted in response to the previous Office Action, because the rejection is provisional and no claims have issued to date, Applicants respectfully defer response to this rejection until the indication of allowed subject matter. Applicants will file a terminal disclaimer at that time, if appropriate.

Claims 1-3, 5-8, 9-11, 13-17, 18-19, and 21-25 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,144,375 to Jain et al. ("Jain"). Applicants respectfully and earnestly request that Examiner provide a more meaningful explanation of Examiner's understanding of Jain. Applicants have carefully reviewed the portions of Jain cited by Examiner and are unable to find support for Examiner's

assertions that Jain discloses the elements of Applicants' claims. Examiner has previously rejected the claims over Jain and Applicants have previously provided a detailed and complete response. Examiner has responded that the arguments submitted by Applicants have been considered but were not considered persuasive. In light of the above fact that Examiner appears to have overlooked significant amendments and responses contained in Applicants' last response, Applicants respectfully submit that the previously submitted response regarding Jain be re-evaluated.

Applicants believe that the arguments for patentability raised in the previous response (filed August 5, 2002) traverse Examiner's rejections and incorporate that response herein by reference. Nonetheless, in an effort to avoid duplicitous argumentation and in order to lessen the burden of examination, Applicants will constrain their present remarks to two arguments by which the claims are distinguishable over the prior art. These are (1) Jain lacks a "plurality of article templates, each template having associated with it at least one condition," and (2) Jain lacks "means for generating statistics from the game log" which is "comprised of recorded events."

Firstly, claim 1 requires "a plurality of article templates, each article template having associated with it at least one condition." Examiner has selected one sentence from the specification and has asserted that this one sentence defines a "template" as "a pre-written description of a game." Examiner has overlooked the immediately following text that clarifies that "more accurately, a template is a pre-written description of a model game with fields in which references to an actual game can be input" and that "the template is essentially generic, but provides fields wherein game-specific information . . . can be inserted in order to generate an article that describes the actual game" (page 12, lines 7-19). Applicants wish to stress that Applicants are not arguing that claim 1 is limited to the particular embodiment disclosed in the cited portion of the specification. Applicants refer to that section, however, in order to point out that a "template" is a generic or model description of a game; not an exact record of an actual game. Jain fails to teach one, let alone a plurality, of such "templates."

Examiner has somewhat vaguely asserted that the "plurality of viewing areas for displaying a content-based game event" of Figure 7 [sic Fig. 6] meet the claim limitation of a "plurality of article templates." How? Figure 7 (of Jain) shows a "viewing window

402" in which "video clips of different selected players, plays (events), and objects are displayed" (col. 22, lines 65-67). This viewing window 402 is, at best, simply a record of an actual game. It is not an article template.

Model window 406 of Jain is described as displaying "a 3D model of the event being displayed in the video window 402" (col. 23, lines 31-34). Clearly this is not a template or a pre-written, generic description of a game. It is simply a model of the record displayed in viewing window 406. "Bookmarks" 412 simply provide "a convenient means for a user to selectively access favorite video events that are stored in the multi-media database" (col. 25, lines 44-47). Again, bookmarks to a stored video clip do not satisfy the requirement of a plurality of article templates.

Claim 1 further requires that each article template have "associated with it at least one condition." Examiner has cited to column 12, lines 50-58 as disclosing this claim limitation. The cited portion of Jain is duplicated in its entirety below:

> The presence system 200 of FIG. 3 preferably includes an event notification mechanism or process that allows the system to recognize and report meaningful "events". As defined within the presence system 200, an "event" is a spatial-temporal state satisfying pre-defined conditions. Events can occur either instantaneously or over an extended time period. Unlike specific user queries, which users explicitly make from the client side of the system 200 (using the present viewer or some other user interface), events are treated as standing queries that the presence system 200 continuously monitors. When the event occurs, the client side of the system is notified by the system 200.

As discussed in the preceding paragraphs, Jain nowhere teaches or suggests "article templates" as the term is used in claim 1. Assuming solely for the sake of argument that the plurality of viewing areas of Figure 7 could be construed as "article templates," Applicants can find no teaching in the cited portion (and are unaware of any other teaching in Jain) that "each" viewing area is "associated with at least one condition." While Applicants agree that Jain does use the word "condition," Examiner has failed to identify any teaching or suggestion in the reference of somehow associating each template with a condition. Because Jain does not teach or suggest "article templates," the reference also fails to teach or suggest "means for identifying as candidate article templates . . ." "means for selecting one article template," and "means for

generating a finished article from the selected article template" as also required by claim 1.

Claim 1 also requires "generating statistics from the log," the log being "comprised of recorded events." This element is lacking in Jain. (Examiner has argued that "the Stat. Crew computer (318, Fig. 4) . . . provides (or generates) the statistic information from the database (or log) to a viewer.") Applicants agree that the Stat. Crew computer provides statistical information to the viewer. But, Jain does <u>not</u> teach or suggest that the Stat. Crew computer generates the statistical information "<u>from the log</u>" as required in claim 1. Applicants respectfully request that Examiner identify where Jain teaches that the Stat. Crew computer generates statistics <u>from the log</u> or withdraw the rejection.

Claims 2-8 depend from claim 1 and are allowable over Jain for the reasons provided above, as well as for their further defining limitations. For instance, Jain fails to teach or suggest how an end-user may select a specific event for article generation as required by claim 2. Applicants have carefully reviewed the portions of Jain cited by Examiner and find no such teaching. Likewise, Applicants find no support in the cited portions of Jain for Examiner's contention that Jain teaches means for eliminating one or more of the plurality of templates based upon a proficiency rating of the scorekeeper. While Examiner has helpfully pointed out that Jain could be interpreted as eliminating one or more templates (even though Jain does not teach templates as properly construed) based upon the significance of the event, Applicants are at a loss as to why this is relevant to claim 5, which requires basing the decision upon the proficiency rating of the scorekeeper. Likewise, with regard to claim 7, although Applicants recognize the term "statistical information" in the portion of Jain cited by Examiner, Applicants find no remote teaching or suggestion of a first means and a second means for comparing the at least one condition to a set of default and additional statistics, respectively.

Examiner has rejected claims 9-11 and 13-17 for "the same reasons" as provided with regard to claim 1 and its dependent claims. Applicants traverse the rejection of these claims on the basis of the above arguments as applied to these claims. Claims 18-19 and 21-25 were rejected for "the same reasons" as claims 1-3, 5-8, 9-11, and 13-17.

In response, Applicants traverse the rejection on the basis of the above arguments as applied to these claims.

Claims 4, 12, and 20 were rejected under 35 U.S.C. 103(a) as being obvious over the combination of Jain and U.S. Patent No. 6,240,415 to Blumberg ("Blumberg"). Applicants respectfully traverse the rejection of these claims on the basis of the above arguments with regard to claims 1, 9, and 18 upon which claims 4, 12, and 20, respectively, depend.

As stated above, Applicants further re-iterate and incorporate herein those arguments that were previously presented to Examiner in the August 5, 2002 response.

Newly added claims 26 and 27 are also allowable over the cited references. For instance, claim 26 requires each article template to be "a text-based description of a generic event and having associated with it at least one condition." Jain fails to teach or suggest this limitation. Claim 27 requires "the selected template comprises a body of text containing function calls and wherein the functions calls call out for specific statistics, the article creator routine outputting a report comprising the body of the text with the specific statistics inserted in place of the function calls." Jain fails to teach or suggest this limitation.
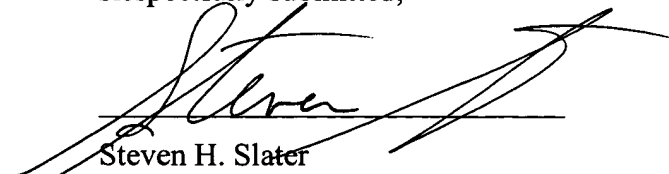
Applicants respectfully request that Examiner allow claims 1-27 and pass the present case to issuance. If the Examiner should have any questions, Applicants request that the Examiner contact Applicants' attorney at the address below.

Respectfully submitted,

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